

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Adam P. DICKER et al. Confirmation No.: 6009  
Application No.: 10/737,360 Group No.: 1614  
Filed: 12/15/2003 Examiner: Brian Yong S KWON  
Customer No.: 50828

For: METHODS OF TREATING AND PREVENTING PROLIFERATIVE DISEASE

DECLARATION UNDER 37 CFR 1.131

We, Adam Dicker, Randy Burd and Kulbir Sidhu, hereby declare as follows:

1. We are the co-inventors of the above-described patent application.
2. We have been advised that the Examiner cited U.S. Patent No. 6,908,907 to El-Naggar et al. ('907) filed on April 22, 2002.
3. Prior to April 22, 2002, we had prepared a grant application to the Radiation Therapy Oncology Group, at the American College of Radiology, a true copy of which with dates redacted is attached herewith as Exhibit A.
4. In our grant application, we described the specific advantage of improving oxygenation and therapeutic ratio using an antiplatelet agent during radiotherapy of malignant tumors (see, e.g. last par., under "Hypothesis" at page 2 of Exhibit A).
5. Thus, prior to April 22, 2002, we had described, in the United States, the specific combination of using antiplatelet agents in combination with radiotherapy and the advantages such a therapy will provide for radiation therapy of malignant tumors.

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, and that such willful false statements may jeopardize the validity of the application or any patent that issues therefrom.

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Date

10/23/07

Date

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Adam Dicker

  
Randy Burd

Date

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Kulbir Sidhu

